

AMENDED IN SENATE MAY 4, 2016
AMENDED IN SENATE APRIL 18, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1457

Introduced by Senator Morrell

(Principal coauthor: Assembly Member Brown)

(Coauthors: Senators Beall, Fuller, Huff, Mendoza, and Vidak)

(Coauthors: Assembly Members Dahle, Jones, and Waldron)

February 19, 2016

An act to add Chapter 20 (commencing with Section 53330) to Part 28 of Division 4 of Title 2 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1457, as amended, Morrell. Pupil instruction: high school graduation requirements: credit for released time instruction.

Existing law allows pupils, with the written consent of their parents or guardians, to be excused from school in order to participate in religious exercises or to receive moral and religious instruction, as specified. Under existing law, these absences will not be deemed absences in computing average daily attendance if (1) the governing board of a school district, in its discretion, first adopts a resolution permitting pupils to be absent from school for the exercises or instruction, (2) the governing board adopts regulations governing the attendance of pupils at the exercises or instruction and the reporting thereof, (3) the pupil attends at least the minimum schoolday, and (4) no pupil is excused for more than 4 days per school month.

This bill would authorize the governing board of a school district to adopt a policy to allow a pupil in high school to participate in released time instruction, as defined. The bill would require that a policy include certain conditions, and would authorize a policy to allow a pupil to receive up to 2 elective credits towards that pupil's high school graduation requirements. The bill would require the policy to include secular criteria for determining whether to authorize a pupil to earn credit that are substantially the same criteria used to evaluate a similar nonpublic high school course for the purpose of determining whether to award credit for that course to a pupil transferring from a nonpublic high school to a public high school. ~~school, and would specify certain secular criteria that are required to be included.~~ The bill would require a decision to award credit for released time instruction to be neutral to, and not involve any test for, religious content or denominational affiliation, and would prohibit school district staff and faculty from encouraging or discouraging participation by pupils in released time instruction. The bill would require that an absence for released time instruction not be deemed an absence in computing average daily attendance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 20 (commencing with Section 53330)
2 is added to Part 28 of Division 4 of Title 2 of the Education Code,
3 to read:

4
5 CHAPTER 20. THE PARENTAL CHOICE FOR RELEASED TIME
6 CREDIT ACT
7

8 53330. The Legislature finds and declares all of the following:

9 (a) Private religious education is a legitimate and complementary
10 part of the American school system.

11 (b) Parents have a recognized constitutional right to provide
12 their children with a private religious education.

13 (c) The United States Constitution and state law allow local
14 school districts to offer religious released time instruction for the
15 benefit of public school pupils.

1 (d) School districts have local autonomy and are governed by
2 locally elected school boards.

3 (e) In order to accommodate the independent choices of parents
4 and pupils to pursue religious instruction, school districts should
5 be unrestricted in their ability to award credit for that instruction
6 under conditions that preserve the neutrality and impartiality of
7 the public school system.

8 (f) Permitting pupils to earn credit for released time instruction
9 enables those pupils to remain in public school while also
10 accommodating their right to receive private religious instruction.

11 53331. For purposes of this chapter, the following definitions
12 apply:

13 (a) (1) “Released time instruction” means the instruction
14 received by a pupil for the purposes and under the conditions of
15 Section 46014, not including subdivision (d) of Section 46014.

16 (2) For purposes of this chapter, Section 46014 shall be
17 construed to additionally permit a pupil to be excused from school
18 to participate in instruction in nonsectarian morals and systems of
19 belief by a nonsectarian entity.

20 (b) “Sponsoring entity” means the entity that provides released
21 time instruction to a pupil pursuant to this chapter.

22 53332. (a) The governing board of a school district may adopt
23 a policy authorizing a pupil in high school to participate in released
24 time instruction. A policy adopted pursuant to this subdivision
25 shall include the following conditions:

26 (1) The pupil’s parent or guardian makes a written request.

27 (2) The released time instruction is conducted off school district
28 property.

29 (3) No public funds are expended and no public school personnel
30 are involved in providing the instruction.

31 (4) The sponsoring entity maintains attendance records and
32 makes those records available to the school district the pupil
33 attends.

34 (5) Transportation to and from the place of released time
35 instruction, including transportation for pupils with disabilities, is
36 the complete responsibility of the sponsoring entity, parent,
37 guardian, or pupil.

38 (6) The sponsoring entity makes provisions for and assumes
39 liability for the pupil.

40 (7) The pupil assumes responsibility for any missed schoolwork.

1 (8) The pupil does not miss any core curriculum subject courses
2 to attend released time instruction.

3 (9) The pupil attends school for no less than the minimum
4 schoolday applicable to that pupil on each day of released time
5 instruction.

6 (b) A policy adopted pursuant to subdivision (a) may allow a
7 pupil in high school to receive up to two elective credits toward
8 that pupil's high school graduation requirements for the completion
9 of released time instruction.

10 (c) (1) A policy adopted pursuant to subdivision (a) shall
11 include secular criteria for determining whether to authorize a
12 pupil to earn credit for the completion of released time instruction.
13 The criteria shall be substantially the same criteria used to evaluate
14 a similar nonpublic high school course for the purpose of
15 determining whether to award credit for that course to a pupil
16 transferring from a nonpublic high school to a public high school.

17 (2) The secular criteria ~~may~~ *shall* include, but are not limited
18 to, the following:

19 (A) The number of hours of classroom instruction time.

20 (B) A review of the course syllabus that reflects course
21 requirements, materials used, and a clear learning objective.

22 (C) The methods of assessment used in the course.

23 ~~(D) The qualifications of the course instructor, which shall be~~
24 ~~similar to the qualifications of other teachers in the school district.~~

25 *(D) The course is taught by a certificated teacher.*

26 (3) There shall be no criteria requiring that released time
27 instruction be completed only at a nonpublic school.

28 53333. A decision to award credit for released time instruction
29 shall be neutral to, and shall not involve any test for, religious
30 content or denominational affiliation.

31 53334. School district staff and faculty shall not encourage or
32 discourage participation by pupils in released time instruction.

33 53335. An absence for released time instruction pursuant to
34 this chapter shall not be deemed an absence in computing average
35 daily attendance.